



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during April 2015
DISTRIBUTED: May 20, 2015

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Land:

Belle Vue Farm, LLC, Readfield, Maine. Belle Vue Farm, LLC (“Belle Vue Farm”) violated Maine’s *Erosion and Sedimentation Control* law by conducting or causing to be conducted an activity that involves filling, displacing, or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Belle Vue Farm also violated Maine’s *Protection and Improvement of Waters* law by directly or indirectly discharging or causing to be discharged a pollutant, namely soil, to waters of the State without first obtaining a permit from the Department. A Department inspection revealed that erosion of soil and sedimentation of an unnamed stream and Torsey Pond was occurring as a result of a large clear-cutting, stumping, and grubbing operation at Belle Vue Farm’s property. An earthen and root berm constructed downslope of the disturbed area funneled storm water runoff from the clear cut toward a roadside ditch that feeds into the unnamed stream which in turn empties into Torsey Pond. Following Department involvement, Belle Vue Farm installed erosion control devices and mulched and seeded exposed soil. Belle Vue Farm also submitted a restoration plan for implementing further erosion and sedimentation control measures including construction of a riprap ditch, level spreaders, and a riprap apron at the outlet of the ditch. The Department approved the restoration plan and a subsequent inspection revealed that the restoration work was completed in accordance with the plan. To resolve the violations, Belle Vue Farm agreed to establish a meadow buffer and achieve 90-95% vegetative catch in all areas reseeded to control erosion. In addition, Belle Vue Farm agreed to pay \$20,424 as a civil monetary penalty, of which \$8,000 will be paid according to a payment plan, and \$12,424 is suspended and will be permanently waived provided that Belle Vue Farm complies with all provisions of the agreement.

Richard D. Condon, Chelsea, Maine. Richard D. Condon (“Condon”) violated Maine’s *Natural Resources Protection Act* by performing or causing to be performed filling activities in and adjacent to a freshwater wetland and displacing or causing to be displaced soil, sand, vegetation, or other materials in a freshwater wetland without first obtaining a permit from the Department. Condon also violated Maine’s *Protection and Improvement of Waters* law by discharging or causing to be discharged pollutants, namely soil, to waters of the State without



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first obtaining a license from the Department and Maine's *Erosion and Sedimentation Control* law by conducting, or causing to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. In addition, Condon violated Maine's *Stormwater Management* law by constructing, or causing to be constructed, a project that includes one acre or more of disturbed area without prior approval from the Department. A Department inspection of a property owned by Condon revealed that: approximately 9,500 square feet of wetland had been filled beyond that which was authorized by a prior permit obtained by Condon; fill was placed in an approximately 12,725 square foot area adjacent to the wetland; a portion of the wetland had been dug out with an excavator to lower the surface water elevation in the wetland; erosion and sedimentation controls were not adequately installed at the fill area; fill material placed in and adjacent to the wetland had eroded and discharged sediment to the wetland; and between 2009 and 2013, approximately 75,338 square feet of disturbed area had been created on the subject property to construct a heavy equipment laydown yard. Following Department involvement, Condon submitted a Stormwater Permit by Rule Notification for the disturbance associated with the laydown yard and a *Natural Resources Protection Act* Permit by Rule Notification for the restoration of protected natural resources to restore the unpermitted wetland impacts. To resolve the violations, Condon agreed to complete the restoration of the unpermitted wetland impacts and paid \$2,880 as a civil monetary penalty.

Paul Properties, LLC, Woolwich, Maine. Paul Properties, LLC ("Paul Properties") violated Maine's *Site Location of Development* law and the requirements of a Department permit issued thereunder by performing, or causing to be performed, timber harvesting and soil disturbance activities without first submitting landscaping and specific use plans to the Department for review and approval. A Department inspection revealed that timber harvesting had occurred on an entire lot owned by Paul Properties and approximately 7,735 square feet of soil disturbance occurred at the north end of the lot. These activities were conducted without first submitting landscaping and specific use plans for review and approval by the Department as required by the *Site Location of Development* law permit affecting development on the lot. Following Department involvement, the Department received photographic evidence that the property had been stabilized and that Lawrence D. Paul, president of Paul Properties, had completed a course in Basic and Advanced Erosion and Sedimentation Control provided by the Department. To resolve the violation, Paul Properties agreed to immediately install temporary erosion control barriers, and submit information including a landscaping and specific use plan, detailed erosion and sedimentation control plans, and sewage disposal plans. Paul Properties also paid \$1,524 as a civil monetary penalty.



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Leslie Thomas, Scarborough, Maine. Leslie Thomas (“Thomas”) violated Maine’s *Natural Resources Protection Act* by altering freshwater wetlands without first obtaining a permit from the Department. Department inspections of a parcel of land owned by Thomas revealed that 48,317 square feet of freshwater wetlands had been converted to lawn without first obtaining a permit from the Department. Following Department involvement, Thomas submitted, and the Department approved, a restoration plan to restore the freshwater wetlands. To resolve the violation, Thomas agreed to implement the approved restoration plan and paid \$3,761 as a civil monetary penalty.

Scott Wilson and Lisa Wilson, Carthage, Maine. Scott Wilson and Lisa Wilson (the “Wilsons”) violated Maine’s *Natural Resources Protection Act* by: removing, or causing to be removed, vegetation adjacent to a river, stream, or brook; filling, or causing fill to be placed, adjacent to a river, stream, or brook; displacing, or causing to be displaced, soil adjacent to a river, stream, or brook; and constructing, or causing to be constructed, permanent structures, namely a detached garage and a chicken coop, adjacent to a river, stream, or brook, all without first obtaining a permit from the Department. The Wilsons also violated Maine’s *Erosion and Sedimentation Control* law by conducting or causing to be conducted an activity that involves filling, displacing or exposing soil or other earthen materials without first taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. In addition, the Wilsons violated Maine’s *Protection and Improvement of Waters* law by discharging a pollutant, namely soil, to waters of the State without first obtaining a permit from the Department. A Department inspection of a property owned by the Wilsons revealed that vegetation had been removed and soil displaced from areas immediately adjacent to an unnamed river, stream, or brook for a length of approximately 150 linear feet and fill material had been placed immediately adjacent to the river, stream, or brook on a steep slope with no erosion or sedimentation controls. The inspection also found that a garage and chicken coop had been constructed within twenty-five feet of the river, stream, or brook and that sediment had eroded from the project site resulting in an impact to approximately 1,000 square feet of on-site freshwater wetlands and an approximately 4,900 square feet of upland area located beyond the property boundaries. Following Department involvement, the Wilsons installed temporary erosion and sedimentation control measures to prevent additional erosion of soil and sediment and submitted a Permit By Rule Notification and restoration plan for the restoration of natural areas for restoration of the disturbed areas, excluding the garage. To resolve the violations, the Wilsons agreed to fully implement the approved restoration plan, submit an after-the-fact individual *Natural Resources Protection Act* permit application for the garage and, if approved, comply with all terms of the after-the-fact permit, or, if denied, submit a restoration plan to



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remove the garage and fully restore the affected areas to their previous condition. The Wilsons also agreed to pay \$3,423 as a civil monetary penalty, according to a payment plan.

Mining:

G & D Properties, Inc., Clifton, Maine. G & D Properties, Inc. (“G & D Properties”) violated Maine’s *Performance Standards for Excavations* by excavating sand and gravel from a required buffer strip without written permission recorded in the registry of deeds and operating a working gravel pit larger than ten acres without first obtaining a variance from the Department. G & D Properties also violated the *Maine Hazardous Waste, Septage and Solid Waste Management Act* by storing demolition debris and wood waste at the gravel pit. In addition, G & D Properties violated the Department’s *Open Burning* rule by burning demolition debris and wood waste at the gravel pit. Department inspections of G & D Properties’ parcel of land adjacent to Springy Pond Road revealed that G & D Properties had conducted excavation of a gravel pit up to and over the southern property line of the property, was operating a working gravel pit more than twenty-three acres in size, and had stored and burned demolition debris and wood waste in the gravel pit that had not been generated on the property. Following Department involvement, G & D Properties submitted to the Department a disposal receipt for approximately thirty-two tons of demolition debris and wood waste and backfilled approximately 190 feet in the area adjacent to property line. To resolve the violations, G & D Properties agreed to submit a revised site plan, grade the southern slope and seed the disturbed area, and submit an after-the-fact variance application to operate a gravel pit larger than ten acres in size or submit a reclamation plan to reduce the size of the pit to maintain a ten-acre working pit. G & D Properties also paid \$5,000 as a civil monetary penalty.

Lucas Construction, Inc., Montville, Maine. Lucas Construction, Inc. (“Lucas Construction”) violated Maine’s *Site Location of Development* law and the requirements of a Department permit issued thereunder by failing to maintain a 150-foot natural buffer strip between a working gravel pit on a property Lucas Construction owns and Center Road, which is adjacent to the pit. A Department inspection of the Center Road property revealed that Lucas Construction had conducted excavation within thirty-seven feet of Center Road and removed timber from the required natural buffer strip for a distance of approximately 1,140 feet. Following Department involvement, Lucas Construction submitted, and the Department approved, an after-the-fact application to modify the buffer strip requirement for the Center Road property. Lucas Construction also violated Maine’s *Site Location of Development* law and the requirements of a Department permit issued thereunder by removing sand and gravel from required buffer strips and failing to maintain a five-foot separation between a gravel pit floor and the seasonal high water table at a property Lucas Construction owns adjacent to Barrett Road. Department



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inspections of the Barrett Road property revealed that Lucas Construction had conducted excavation within forty-four feet of Barrett Road for a distance of approximately 500 feet, removed timber along Barrett Road for a distance of 477 feet, and excavated sand and gravel from below the seasonal high water table in an area approximately 0.5 acres in size. To resolve the violations, Lucas Construction agreed to: immediately cease any further excavation below the seasonal high water table at the Barrett Road property unless and until a variance is obtained from the Department; submit an after-the-fact application to modify the Barret Road permit to allow excavation of sand and gravel from below the seasonal high water table; and plant at least 3-foot-tall white pine trees in the area where the buffer strip was timber harvested at the Barrett Road property. Lucas Construction also agreed to pay \$19,098 as a civil monetary penalty, according to a payment plan.